

MAY 27 2005

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DATE: May 27, 2005

To: Examiner: Vanel Frenel
USPTO Art Unit 3626

Via Fax No.: 1-703-872-9306

From: R. Andrew Patty II

(Page 1 of 10)

Re: Response U.S. Patent
Application No. 10/636,125

Our ref. no.: S-0816
Your ref. no.: 10/636,125

Message: Please see the attached documents for filing in the above referenced application.

Recipient: Please sign and date below and return this page to us by facsimile to acknowledge safe receipt of this transmission. If there are any difficulties please advise. Thank you.

Signed:_____ Dated:_____

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MAY 31 2005
DIPE/CCRS

Appl. No. 10/636,125
Attny. Docket No. S-0816

MAY 27 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: ROBERT B. PHELPS

APPLN. NO.: 10/636,125

FILED: AUGUST 7, 2003

**METHOD OF ENHANCING VALUE OF PENSION
PLAN ASSETS**

ART UNIT: 3626

**EXAMINER:
FRENEL, VANEL**

**CONFIRMATION NO: 1568
CUSTOMER NO.: 2071**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action mailed in the above application on December 27, 2004. Applicant respectfully requests reconsideration of this application in view of the following remarks. A petition for a 2-month extension of time and the requisite fee authorization are filed herewith.

I. Rejection under 35 U.S.C. § 101

Claims 1-21 are in the case. The Examiner's indication that the present invention produces a useful, concrete, and tangible result is noted with sincere appreciation.

Notwithstanding this indication of a useful, concrete and tangible result, the claims stand initially rejected under 35 U.S.C. § 101, as directed to allegedly non-statutory subject matter. This rejection is based solely upon (i) the wholly unsupported assumption that statutory subject matter under section 101 must fall within the so-called "technological" arts, and (2) the wholly unsupported assertion that the presently claimed invention, although admittedly one which produces a useful, concrete and tangible result, is not within the so-called "technological" arts.

This rejection is respectfully traversed.